

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 22591 of 2007(M)

PETITIONER:

**P. RAVINDRAN,
PREVENTIVE OFFICER, EXCISE CHECK POST,
KOOTTUPUZHA, KANNUR DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:

1. ASSISTANT EXCISE COMMISSIONER, KANNUR.

**2. BABU KUTTY K.S.,
PREVENTIVE OFFICER, EXCISE CHECK POST,
KOOTTUPUZHA, KANNUR.**

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. BALAKRISHNAN NAIR, J.

W.P.(C) No. 22591 of 2007-M

JUDGMENT

The petitioner is a Preventive Officer, working under the 1st respondent. By Ext.P2 order, he has been transferred from Kannur to the Excise Check-Post, Koottupuzha. He represented against the transfer, relying on Ext.P3 series documents, which would show that he is suffering from various ailments and undergoing treatment. This Court, by Ext.P5 judgment, directed the consideration of that representation. Now, by Ext.P6 order, the said representation has been considered and rejected. In Ext.P6, it is stated that the petitioner has not, so far, worked in any check-post. The incumbents working in the excise check-posts will have to be replaced frequently in public interest. The petitioner is an officer without any adverse remarks and therefore, he was identified as a suitable officer for being posted in the check-post. So, in public interest, he was transferred to Koottupuzha. It is also submitted that the nature of duties attached to a check-post is not strenuous, when compared to the present duties discharged by the petitioner. So, his ill-health will not, in any way,

stand in the way of discharging his function at the check-post, it is stated in Ext.P6. But, the petitioner attacks Ext.P6 on the ground that he has to travel a distance of 180 kms from his residence. So, the present posting is quite inconvenient to him. Other personal inconveniences are also pointed out. He also contends that the transfer is in violation of the norms governing the same.

2. But, none of the above grounds is sufficient to interfere with a transfer. Unless it is shown to be contrary to any statutory provision or vitiated by mala fides, the High Court cannot interfere with a transfer order, in view of the decisions of the Apex Court. Going by Ext.P6, I find that the transfer has been ordered in public interest. Therefore, this Court is not justified in interfering with the same. Accordingly, the writ petition fails and it is dismissed.

K. BALAKRISHNAN NAIR,
JUDGE.

24th July, 2007.
nm.